

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 201413

E.O. 11652: N/A

TAGS:BEXP

SUBJECT: CONGRESSIONAL INQUIRY: ASSISTANCE TO U.S.
BUSINESS FIRM

1. DEPARTMENT HAS RECEIVED REQUEST FROM CONGRESSMAN JOEL PRITCHARD CONCERNING A MATTER IN LITIGATION IN THE JAPANESE COURT SYSTEM. THE U.S. FIRM, ACE FIREWORKS COMPANY, HAS ENGAGED THE TOKYO FIRM OF BLAKEMORE AND MITSUKI, 912 IINO, TOKYO 100, JAPAN, TO REPRESENT THEIR INTEREST IN THE LEGAL MATTER AGAINST THE JAPANESE MANUFACTURER, MANTSUNA AND COMPANY.

2. ACE FIREWORKS WAS AWARDED A U.S. COURT JUDGEMENT IN THE AMOUNT OF DOLS 150,000 AGAINST THE JAPANESE MANUFACTURER FOR NEGLIGENCE, BUT HAS BEEN UNABLE TO COLLECT ITS JUDGEMENT. THE STATUTE OF LIMITATIONS ALLOWING ACE FIREWORKS TO COLLECT FROM THE JAPANESE MANUFACTURER EXPIRES ON OCTOBER 15, 1979. ACE FIREWORKS HAS BEEN UNABLE TO COLLECT AGAINST
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JAPANESE MANUFACTURER BECAUSE THE MANUFACTURER HAS NO ASSETS IN THE U.S. AND DOES NOT SHIP ANY MERCHANDISE INTO THE U.S. UNTIL THE MONEY IN PAYMENT FOR THAT MERCHANDISE IS ON DEPOSIT WITH THE JAPANESE MANUFACTURER'S BANK IN JAPAN.

3. ACCORDING TO ACE FIREWORKS LEGAL COUNSEL, THEY HAVE BEEN ENDEAVORING TO COLLECT THIS JUDGEMENT THROUGH THE

JAPANESE COURT SYSTEM, BUT AFTER 19 HEARINGS THEY ARE NOT ENCOURAGED THAT THE JAPANESE COURTS WILL HONOR THE U.S. JUDGEMENT.

4. ACTION REQUESTED: THE EMBASSY IS REQUESTED TO MAKE INQUIRIES CONCERNING THIS MATTER WITH THE LEGAL FIRM NOTED IN PARA 1 AND REPORT ITS FINDINGS TO THE DEPARTMENT AS SOON AS POSSIBLE. CHRISTOPHER

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